

ORIGINAL
Criminal Division
Dept. of Court Records
Allegheny County, PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA,

CRIMINAL DIVISION

v.

CC NO.: 2012 02820

THADDEUS THOMAS CRUMBLEY,
Defendant.

THE HONORABLE BETH LAZZARA

**MOTION FOR PRESERVATION OF
TESTIMONY PURSUANT TO
PA.R.CRIM.P., RULE 500, 42 PA.CSA.
WITNESS: ASA THOMPCKINS**

Filed on behalf of Defendant:

Thaddeus Thomas Crumbley

Counsel of record for this Party:

Wendy L. Williams
PA. I.D. #50379

Wendy L. Williams & Associates
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DEPT OF COURT RECORDS
CRIMINAL DIVISION
ALLEGHENY COUNTY PA

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RULE 500, 42 PA.CSA.
WITNESS: ASA THOMPCKINS**

AND NOW, comes the Defendant, Thaddeus Thomas Crumbley, by and through his attorney Wendy L. Williams, and respectfully avers the following:

1. Defendant in the above captioned case was charged with Count One: Criminal Homicide, Count Two: Robbery—Inflicting Serious Bodily Injury, Count Three: Robbery of Motor Vehicle, Count Four: Possession of a Firearm Prohibited, Count Five: Firearms Not to be Carried Without a License, and Count Six: Conspiracy.
1. Pa.R.Crim.P., Rule 500(A)(1) provides that:
At any time after the institution of a criminal proceeding, upon motion of any party, and after notice and hearing, the court may order the taking and preserving of the testimony of any witness who is unavailable for trial or for any other proceeding, or when due to exceptional circumstances, it is in the interests of justice that the witness' testimony be preserved.
2. Defendant would like to call and subpoenaed witness, Mr. Asa Thompkins, however Mr. Thompkins was shot and in rehabilitation for several months now, and is currently in Harmarville Rehabilitation Center at 321 Guys Run Road, Pittsburgh, PA 15238, (412) 781-5700. Due to his condition, he would not be able to travel to the Courthouse for the Trial to testify in person as he is currently wheelchair bound and quite frail.
3. Defendant would request that Mr. Thompkins would be permitted to testify via videotape in this matter.
4. Mr. Thompkins' testimony is vital to the Trial, as he would testify to the possession of the gun that was allegedly used in this case. Without taking and preserving his testimony prior to Trial for use at Trial, the interest of justice would not be served.
5. Defendant will bear the cost of hiring a court reporter and a videographer.

WHEREFORE, the Defendant respectfully requests this Honorable Court to grant the Motion for Preservation of Testimony Pursuant to Pa.R.Crim.P., Rule 500, 42 Pa.C.S.A.,
Witness: Asa Thompkins.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'WJ' or similar, written in a cursive style.

Wendy L. Williams

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

CRIMINAL DIVISION

v.

CC NO.: 2012 02820

THADDEUS THOMAS CRUMBLY,
Defendant.

PRELIMINARY ORDER OF COURT

AND NOW, to-wit, this _____ day of _____, 2012, it is hereby
ORDERED, ADJUDGED, and DECREED Motion for Preservation of Testimony Pursuant to
Pa.R.Crim.P., Rule 500, 42 Pa.C.S.A., Witness: Asa Thompkins., Hearing for the ____ day of
_____, 2012 at ____ o'clock ____ .m.

BY THE COURT:

_____, J

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA

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v.

CC NO.: 2012 02820

THADDEUS THOMAS CRUMBLY,
Defendant.

THE HONORABLE BETH LAZZARA

ORDER OF COURT

AND NOW, to-wit, this ____ day of _____, 2012, it is hereby

ORDERED, ADJUDGED and DECREED that the Motion for Preservation of Testimony

Pursuant to Pa.R.Crim.P., Rule 500, 42 Pa.C.S.A., Witness: Asa Thompkins., is:

BY THE COURT:

_____, J.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion for Preservation of Testimony Pursuant to Pa.R.Crim.P., Rule 500, 42 Pa.C.S.A., Witness: Asa Thompkins., was served on the 25th day of July, 2012 in the manner indicated to:

The Honorable Beth Lazzara
Allegheny County Courthouse, 510
436 Grant Street
Pittsburgh, PA 15219
Via Hand Delivery

DDA Steven Stadtmiller
Allegheny County District Attorney's Office
401 Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
sstadtmiller@da.allegheny.pa.us
Via Hand Delivery and Email

Court Administrator – Helen Lynch
307 Allegheny County Courthouse
436 Grant Street
Pittsburgh, PA 15219
Via Hand Delivery

Mr. Randall McKinney
429 Forbes Avenue, Suite 1400
Pittsburgh, PA 15219
Via Hand Delivery and Email

Mr. Thaddeus Thomas Crumbley, DOC# 69038, Pod: 8D
c/o Allegheny County Jail
950 2nd Avenue
Pittsburgh, PA 15219
Via U.S. Mail

Mr. Asa Thompkins
321 Guys Run Road
Pittsburgh, PA 15238
Via U.S. Mail



Wendy L. Williams